

## CCRB INVESTIGATIVE RECOMMENDATION

|  |   |  |   |   |  |
|--|---|--|---|---|--|
| Investigator:<br>Olubukola Ajayi                 | Team:<br>Team # 4                                   | CCRB Case #:<br>200813153                  | <input checked="" type="checkbox"/> Force             | <input checked="" type="checkbox"/> Discourt. | <input type="checkbox"/> U.S.              |
|  |   |  | <input checked="" type="checkbox"/> Abuse             | <input type="checkbox"/> O.L.                 | <input checked="" type="checkbox"/> Injury |
| Incident Date(s)<br>Tuesday, 09/09/2008 6:45 PM  | Location of Incident:<br>in the lobby of § 87(2)(b) | Precinct:<br>23                            | 18 Mo. SOL<br>3/9/2010                                | EO SOL<br>3/9/2010                            |  |
| Date/Time CV Reported<br>Tue, 09/09/2008 7:37 PM | CV Reported At:<br>CCRB                             | How CV Reported:<br>Call Processing System | Date/Time Received at CCRB<br>Tue, 09/09/2008 7:37 PM |   |  |

| Complainant/Victim | Type | Home Address |
|--------------------|------|--------------|
|                    |      |              |
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|                    |      |              |
|                    |      |              |
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| Witness(es) | Home Address |
|-------------|--------------|
|             |              |
|             |              |
|             |              |
|             |              |

| Subject Officer(s)       | Shield | TaxID  | Command |
|--------------------------|--------|--------|---------|
| 1. POM Marcelino Alvarez | 26122  | 937973 | 023 PCT |
| 2. POM Ramiro Ruiz       | 07987  | 939384 | 023 PCT |
| 3. POM Keno Chambers     | 09494  | 938208 | 023 PCT |
| 4. An officer            |        |        |         |

| Officer(s)              | Allegation  | Investigator Recommendation |
|-------------------------|---|-----------------------------|
| A. An officer           | Abuse: An officer searched § 87(2)(b)'s bag.  |                             |
| B.POM Marcelino Alvarez | Discourtesy: PO Marcelino Alvarez spoke obscenely to § 87(2)(b) and § 87(2)(b)          |                             |
| C.POM Marcelino Alvarez | Force: PO Marcelino Alvarez used physical force against § 87(2)(b)                      |                             |
| D.POM Ramiro Ruiz       | Force: PO Ramiro Ruiz used physical force against § 87(2)(b)                            |                             |
| E.POM Marcelino Alvarez | Force: PO Marcelino Alvarez pushed § 87(2)(b) against a wall and on to the floor.       |                             |
| F.POM Ramiro Ruiz       | Force: PO Ramiro Ruiz pushed § 87(2)(b) against a wall and on to the floor.             |                             |
| G.POM Marcelino Alvarez | Abuse: PO Marcelino Alvarez threatened § 87(2)(b) with the use of force.                |                             |
| H.POM Marcelino Alvarez | Abuse: PO Marcelino Alvarez refused to provide his name and shield number to § 87(2)(b) |                             |

| Officer(s)           | Allegation  | Investigator Recommendation |
|----------------------|---|-----------------------------|
| I.POM Ramiro Ruiz    | Abuse: PO Ramiro Ruiz refused to provide his name and shield number to § 87(2)(b)   |                             |
| J.POM Keno Chambers  | Abuse: PO Keno Chambers refused to provide his name and shield number to § 87(2)(b) |                             |
| § 87(4-b) § 87(2)(g) |   |                             |

§ 87(2)(b) filed the following complaint with the CCRB through its call processing system on September 9, 2008. On the same date, Sgt. Skretch of the 23<sup>rd</sup> Precinct called the CCRB and filed the same complaint on behalf of § 87(2)(b).

PO Alvarez pushed § 87(2)(b) into the door leading into Apartment § 87(2)(b) and handcuffed him. § 87(2)(b)'s forehead and front part of his body hit the door as a result of being pushed into the door. A woman (whose name § 87(2)(b) did not recall) came out of the apartment and § 87(2)(b) asked her to inform his mother, § 87(2)(b) that he was getting arrested. § 87(2)(b) later said he did not know who informed § 87(2)(b) that he was getting arrested. PO Ruiz and PO Alvarez took § 87(2)(b) and § 87(2)(b) back to the lobby. § 87(2)(b) observed the third officer (identified through investigation as PO Keno Chambers) standing by the stairwell next to the § 87(2)(b) and § 87(2)(b) as he, § 87(2)(b) PO Ruiz, and PO Alvarez approached the lobby. The officers told § 87(2)(b) and § 87(2)(b) that they were going to arrest them for trespassing. One of the officers (that § 87(2)(b) did not recall) searched § 87(2)(b)'s bag while the other officers pushed § 87(2)(b) and § 87(2)(b) to the wall and handcuffed them. § 87(2)(b) did not remember which officers searched § 87(2)(b) or § 87(2)(b).

PO Alvarez asked § 87(2)(b) twice where he was coming from, and each time § 87(2)(b) said that he was coming from § 87(2)(b)'s apartment. PO Alvarez accused § 87(2)(b) of not knowing where he was coming from. After which, PO Alvarez turned § 87(2)(b) around and pushed him against the wall as he prepared to place him in handcuffs, but § 87(2)(b) held up his hands up so as to prevent his body from hitting the wall. PO Ruiz grabbed § 87(2)(b) somewhere around his back or upper body while PO Alvarez grabbed § 87(2)(b) somewhere around his lower body or thighs. PO Ruiz and PO Alvarez pushed § 87(2)(b) to the floor. While § 87(2)(b) was on the floor, PO Ruiz punched him a couple of times on his face while PO Alvarez punched him somewhere on his lower body. § 87(2)(b) said that § 87(2)(b) was hit about three or four times, in total. The officers, § 87(2)(b) and § 87(2)(b) told § 87(2)(b) repeatedly to stop resisting when PO Alvarez and PO Ruiz were hitting him. § 87(2)(b) believed that § 87(2)(b) was not resisting arrest since his body was not moving.

§ 87(2)(b) came to the lobby after PO Ruiz and PO Alvarez had beaten § 87(2)(b) and asked the officers for their names, badge numbers, and the precinct they were from, but the officers ignored her request. When § 87(2)(b) asked the officers for their information for a second time, PO Alvarez told § 87(2)(b) to "get the fuck back upstairs" or he would arrest her. § 87(2)(b) refused to comply stating that this was her home and that she had every right to be there. § 87(2)(b) then asked the officers for their information for a third time. PO Alvarez walked quickly towards § 87(2)(b) as if he was going to arrest her. § 87(2)(b) tried to step in between PO Alvarez and § 87(2)(b) but PO Ruiz pushed him back against the wall.

PO Alvarez, PO Ruiz, and PO Chambers took § 87(2)(b) and § 87(2)(b) to the front of the house where there were about four or five uniformed officers, a crowd of about ten or fifteen people, and two marked police vans. § 87(2)(b) and § 87(2)(b) were in a marked police vehicle and transported by two officers that responded to the scene. At the 23<sup>rd</sup> Precinct, § 87(2)(b) and § 87(2)(b)'s arrests were processed by PO Ruiz, PO Alvarez, and PO Chambers. § 87(2)(b) did not observe any injuries on § 87(2)(b) while they were at the incident location, but he noticed that § 87(2)(b) had a bruise under one of his eyes and was limping when they got to the 23<sup>rd</sup> Precinct. § 87(2)(b) was offered medical treatment, which he rejected, by an officer who did not participate in his arrest or the arrest of the other defendants. § 87(2)(b) said he did not have marijuana on his person even though he and § 87(2)(b) were charged with the § 87(2)(b), and added that one or two bag(s) of marijuana were recovered from § 87(2)(b)'s person. § 87(2)(b) was charged with § 87(2)(b) while § 87(2)(b) and § 87(2)(b) were both charged with § 87(2)(b).

### Results of Investigation

#### **Civilian Statements**

§ 87(2)(b) (Encl. 9.1-9.12) — § 87(2)(b) is a § 87(2)(b)-old Hispanic female, approximately 5'4 tall and 124 lbs. § 87(2)(b) provided additional information to the CCRB over the phone on September 11, October 22, October 24, November 3, November 13, and November 14, 2008, that were added to the following narrative. § 87(2)(g)

§ 87(2)(b) was interviewed at the CCRB on October 10, 2008. At 7:45PM on September 9, 2008, she was informed by § 87(2)(b) (a son of one of § 87(2)(b)'s neighbors) that § 87(2)(b) § 87(2)(b)'s son) was being arrested. § 87(2)(b) left her apartment, § 87(2)(b) located at § 87(2)(b).

Street in Manhattan, for the lobby. § 87(2)(b) saw § 87(2)(b) leaning against the wall with his hands behind him as he faced the stairwell. At this point, § 87(2)(b) did not know if § 87(2)(b)'s hands were in handcuffs. § 87(2)(b) also observed four other males (identified through investigation as § 87(2)(b) and § 87(2)(b) leaning against the wall as she approached the lobby. § 87(2)(b) did not she indicate if there was any female at the lobby. § 87(2)(b) asked § 87(2)(b) "What the hell is going on here?" PO Alvarez appeared from behind the wall that blocked him from her view and told § 87(2)(b) to "Shut up and get the fuck up the stairs" or get the "fuck" back upstairs. § 87(2)(b) became upset and told PO Alvarez that she was old enough to be his mother and that she had every right to be there because PO Alvarez had § 87(2)(b) up against the wall and she would like to know what he did and what he was getting arrested for. PO Alvarez replied that he told § 87(2)(b) to get the "fuck" back upstairs.

At some point during the interaction, § 87(2)(b) noticed that § 87(2)(b)'s left cheek was red and that there was a scratch on it. § 87(2)(b) also noticed that § 87(2)(b)'s eyes were red, but she did not know if they were red because § 87(2)(b) was angry or because he had been crying. When § 87(2)(b) asked § 87(2)(b) what happened to him, he told her that PO Alvarez had punched him in the face. § 87(2)(b) asked PO Alvarez for his name and badge number. PO Alvarez walked quickly in her direction. § 87(2)(b) jumped in between § 87(2)(b) and PO Alvarez. § 87(2)(b) asked PO Alvarez what he was going to do and asked him if he was going to beat her up as he did § 87(2)(b). § 87(2)(b) told § 87(2)(b) not to say anything else. It was at this time that an officer with a scar on his face (identified through investigation as PO Ramiro Ruiz) pushed § 87(2)(b) against the wall and then stood in front of PO Alvarez. § 87(2)(b) asked PO Alvarez, PO Ruiz, and a third officer (identified through investigation as PO Keno Chambers) for the charges against the five males, and for their names and badge numbers. But, the officers did not respond to § 87(2)(b)'s request even though she was sure PO Alvarez, PO Ruiz, and PO Chambers heard her.

PO Alvarez, PO Ruiz, and PO Chambers took the five males out of the building and had the males standing on the ramp in front of the building as the officers prepared to place them in the police wagon, located across the street from § 87(2)(b)'s building. It was at this point that § 87(2)(b)'s mother (identified through investigation as § 87(2)(b)) came out of the building and asked the officers what was going on. § 87(2)(b) believed that PO Ruiz responded rudely to § 87(2)(b)'s question; although, she was not sure and did not recall what that PO Ruiz's response was. Two uniformed police officers arrived on the scene, but they never came into the building. There was also a marked police van and marked police car present at the scene. Also present in front of the building, were approximately twenty-five people. At the precinct, § 87(2)(b) learned that her son had been charged with the criminal possession of marijuana while § 87(2)(b) had been charged with trespassing. § 87(2)(b) did not know what the charges against the other three males were.

§ 87(2)(b) (Encl. 10.1-10.15) – § 87(2)(b) is a § 87(2)(b)-old Hispanic male, approximately 5'9" tall and 162lbs; § 87(2)(b) provided additional information to the CCRB on October 24, 2008. § 87(2)(g)

On November 17, 2008, § 87(2)(b) was interviewed at CCRB. At 7:45PM on September 9, 2008, § 87(2)(b) and four of his friends – § 87(2)(b) and § 87(2)(b) were in the lobby of § 87(2)(b)'s apartment building, located at § 87(2)(b) in Manhattan. A female by the name of § 87(2)(b) (whose last name § 87(2)(b) did not know, and who was friends with § 87(2)(b) § 87(2)(b)'s neighbor) was also in the lobby with them. § 87(2)(b) and his friends were planning to go out; although, he and his friends did not have any destination in mind. § 87(2)(b) and his friends just wanted to get out of the apartment building because police officers usually came into the building to harass people. At some point, § 87(2)(b) and § 87(2)(b) left the rest of the group and decided to go upstairs to their apartments. He did not know what § 87(2)(b) and § 87(2)(b) were going to do upstairs because they did not tell him. As § 87(2)(b) and § 87(2)(b) were making their way up the stairs, § 87(2)(b) saw PO Marcelino Alvarez, PO Ramiro Ruiz, and PO Keno Chambers.

PO Alvarez and PO Ruiz went upstairs after § 87(2)(b) and § 87(2)(b) while PO Chambers remained in the lobby and stood watch over § 87(2)(b) and § 87(2)(b). Some minutes later, PO Alvarez and PO Ruiz brought § 87(2)(b) and § 87(2)(b) down to the lobby. PO Alvarez asked § 87(2)(b) and § 87(2)(b) what

they were doing in the building, but no one responded. The officers lined § 87(2)(b) and § 87(2)(b) against the wall and began to search them, but § 87(2)(b) did not know which one of his friends were searched by the officers. PO Chambers frisked and searched § 87(2)(b)'s plastic bag was searched by the officers prior to the search of the aforementioned individuals.

After the search was concluded, PO Alvarez asked § 87(2)(b) and § 87(2)(b) what they were doing in the apartment building. § 87(2)(b) said that he was visiting his cousin, § 87(2)(b) and that they were planning on going somewhere. § 87(2)(b) told PO Alvarez that § 87(2)(b) had been going upstairs to his apartment to get something prior to him being stopped. PO Alvarez asked § 87(2)(b) again what he was doing at the apartment building and § 87(2)(b) replied that he had just told them that he was here to see § 87(2)(b). PO Ruiz said that § 87(2)(b) did not know what the “fuck” he was talking about. § 87(2)(b) said that “he knew what he was talking about and that PO Ruiz should take a look at § 87(2)(b)'s NYS Drivers license so he could verify § 87(2)(b)'s home address. § 87(2)(b) said, to no one in particular, that this was a waste of time and “a bunch of ‘BS’ and that he and his friends were not doing anything wrong.” § 87(2)(b) also “sucked his teeth” (i.e. a hissing sound produced by sucking air through pouted lips) as he said this. PO Alvarez told § 87(2)(b) to be quiet before he ended up on the wall as he exchanged positions with PO Ruiz and came closer to § 87(2)(b). § 87(2)(b) believed that PO Alvarez came close to him because he was “running his mouth.” § 87(2)(b) told PO Alvarez that he did not care what he was going to do. PO Alvarez took out his handcuffs and § 87(2)(b) sucked his teeth again. PO Alvarez turned § 87(2)(b) around so that he was facing the wall and placed one of the handcuffs on § 87(2)(b)'s left wrist. § 87(2)(b) felt a palm on the back of his head pushing his head forward while PO Alvarez was placing the handcuffs on his left wrist, so he placed his right hand on the wall so as to prevent his face from being struck into the wall. As a result, PO Alvarez punched § 87(2)(b) on the left cheek.

After PO Alvarez punched § 87(2)(b) on his left cheek, PO Ruiz hit § 87(2)(b) on the back of his head. Although, it is unclear how § 87(2)(b) knew that PO Ruiz was behind him. PO Alvarez and PO Ruiz shoved him from one wall to another. In the process of being shoved from one wall to another, § 87(2)(b) struck his right leg against the radiator; as a result, he fell to his knees and flat onto his face. § 87(2)(b) sustained a cut to the inner part of his bottom lip that bled due to the force of his face hitting the floor. While § 87(2)(b) was on the floor, he felt the knees of either PO Alvarez or PO Ruiz on his back and towards his ribs. After which, PO Ruiz placed his knees on § 87(2)(b)'s neck while PO Alvarez placed the other handcuffs on § 87(2)(b)'s right wrist. PO Ruiz picked § 87(2)(b) up off the floor by the handcuffs and punched him on his stomach. At this point, § 87(2)(b) noticed that § 87(2)(b) and § 87(2)(b) had been handcuffed; although, he did not know who handcuffed them. He also noticed that § 87(2)(b) was not handcuffed after he was removed from the floor. § 87(2)(b) believed that § 87(2)(b) (who was not in the lobby prior to the arrival of the officers on the scene) may have witnessed the physical interaction between him, PO Alvarez and PO Ruiz because § 87(2)(b) told him that one of the officers kneed him in the back.

PO Alvarez grabbed § 87(2)(b) on his neck and told § 87(2)(b) “don’t test me again.” Shortly after, § 87(2)(b)'s mother, § 87(2)(b) came down stairs and asked the officers what was happening. § 87(2)(b) upon seeing § 87(2)(b)'s face, asked § 87(2)(b) why his face looked like that or said what happened to § 87(2)(b). § 87(2)(b) said that the officers just beat the “shit” out of § 87(2)(b). § 87(2)(b) then asked the officers for their names and badge numbers, but they did not respond to § 87(2)(b)'s request. § 87(2)(b) asked the officers for their names and badge numbers again and PO Alvarez told § 87(2)(b) to “mind your business and go upstairs.” § 87(2)(b) repeatedly asked the officers for their information, and each time PO Alvarez told § 87(2)(b) to go upstairs and that she should not be here. § 87(2)(b) also told § 87(2)(b) to go upstairs because he did not want any of the officers to harm his mother. At this point, § 87(2)(b)'s mother, § 87(2)(b) came downstairs and asked the officers for their information, but the officers did not respond. The officers took § 87(2)(b) and § 87(2)(b) outside, to the front of the building. § 87(2)(b) noticed when he got outside that there was a marked police van along with two other unmarked police vehicles, as well as, a lot of people in front of the building. § 87(2)(b) and his cousin and friends were placed into the marked police van by PO Alvarez, PO Ruiz, and PO Chambers, and then taken to the 23<sup>rd</sup> Precinct.

At the precinct, § 87(2)(b) and his friends were processed. § 87(2)(b) was charged with § 87(2)(b).

§ 87(2)(b) (Encl. 11.1-11.5) – § 87(2)(b) is a § 87(2)(b)-old white male, approximately 5'10" tall and 210lbs.

On February 19, 2009, § 87(2)(b) was interviewed at the CCRB. § 87(2)(b) confirmed that he and § 87(2)(b) left their school, located in § 87(2)(b) and went to see § 87(2)(b) (whose last name § 87(2)(b) did not know) at § 87(2)(b) in Manhattan at about 7:45PM on September, 9, 2008. § 87(2)(b) corroborated that he and § 87(2)(b) were going to get money from § 87(2)(b) who had promised to give them the money to gas. § 87(2)(b) and § 87(2)(b) met § 87(2)(b) and a young female (identified through investigation as § 87(2)(b) at § 87(2)(b) in Manhattan. § 87(2)(b) sat on the staircase located in the lobby of the building with § 87(2)(b) and § 87(2)(b) as he waited for § 87(2)(b) and § 87(2)(b) who had gone upstairs to retrieve the gas money from § 87(2)(b).

Ten to fifteen minutes later, PO Marcelino Alvarez and PO Ramiro Ruiz ran past them and went up the stairs, followed by PO Keno Chambers. Five to six minutes later, PO Chambers came back downstairs. After another five or six minute, PO Alvarez and PO Ruiz came downstairs with § 87(2)(b) and § 87(2)(b). § 87(2)(b) did not recall if § 87(2)(b) and § 87(2)(b) were brought downstairs in handcuffs.

PO Chambers tapped § 87(2)(b) who remained seated on the stairs, on the shoulder and told him to get up against the wall. § 87(2)(b) got up and stood facing the wall next to § 87(2)(b) and § 87(2)(b). PO Chambers dealt with § 87(2)(b) and § 87(2)(b) while PO Alvarez and PO Ruiz dealt with § 87(2)(b) and § 87(2)(b). PO Chambers frisked § 87(2)(b) and handcuffed him. § 87(2)(b) was not searched by any of the officers. § 87(2)(b) in the group was not frisked or searched. § 87(2)(b) was not asked and he did not indicate if § 87(2)(b)'s bag was searched. PO Chambers asked § 87(2)(b) who he was visiting in the building. § 87(2)(b) and § 87(2)(b) replied that they were visiting § 87(2)(b). PO Alvarez asked § 87(2)(b) again who he was visiting because he did not hear § 87(2)(b)'s response to the question. § 87(2)(b) replied that he was visiting § 87(2)(b) and added that he had already told PO Chambers. PO Alvarez asked § 87(2)(b) "You want to be a smart-ass," and § 87(2)(b) responded that he did not want to be a "smart-ass." PO Alvarez grabbed § 87(2)(b) by the neck and tried to shove § 87(2)(b)'s face into the wall. § 87(2)(b) put his left forearm on the wall while his right arm was handcuffed. PO Alvarez lifted § 87(2)(b) off the ground in a bear hug and threw him on the floor. § 87(2)(b) hit the right side of his face on the radiator on the way down. § 87(2)(b) noticed a knot on § 87(2)(b)'s forehead.

§ 87(2)(b) placed his hands underneath his body while he was on the floor and did not surrender his arms to PO Alvarez and PO Ruiz, who assisted PO Alvarez after § 87(2)(b) was "thrown" on the floor. § 87(2)(b) did not know why PO Ruiz got involved, but he believed that it was because the officers were trying to restrain § 87(2)(b) and the others at the scene (unclear who) told § 87(2)(b) to stop resisting. However, § 87(2)(b) attempted to cover his face. At some point during the struggle, § 87(2)(b) and § 87(2)(b) told PO Alvarez and PO Ruiz to stop hitting § 87(2)(b) because he was not resisting, and added that what they were doing was illegal. PO Alvarez asked § 87(2)(b) if he wanted "some", and § 87(2)(b) replied that he did not and that the officers should do what they felt like doing because he was already in handcuffs. § 87(2)(b) also told PO Alvarez that he had a cousin, Sgt. Martinez, who worked for the 13th Precinct. PO Alvarez replied that he did not give a "fuck." § 87(2)(b) believed that PO Alvarez and PO Ruiz used expletives while speaking to § 87(2)(b) on the scene, but he did not recall. PO Alvarez punched § 87(2)(b) somewhere on his right rib and also on his knee. § 87(2)(b) cried and ran out of the building when she saw PO Alvarez punching § 87(2)(b) on his right ribs. § 87(2)(b) later said § 87(2)(b) was present when § 87(2)(b) came to the lobby and asked the officers what had happened to § 87(2)(b). PO Alvarez finished handcuffing § 87(2)(b) with his knee on § 87(2)(b)'s back; after which, he picked him up from the floor. PO Chambers did not participate in the physical assault of § 87(2)(b) nor did he do anything to stop it. § 87(2)(b)'s mother, § 87(2)(b) came downstairs after hearing the commotion and while PO Alvarez was picking § 87(2)(b) off of the ground. § 87(2)(b) asked § 87(2)(b) what happened when she saw his face. § 87(2)(b) and § 87(2)(b) responded that § 87(2)(b) did not do anything wrong. § 87(2)(b) and his brother, § 87(2)(b) also came downstairs after hearing the commotion, but § 87(2)(b) did not know if they saw PO Alvarez and PO Ruiz beating § 87(2)(b) because he only became aware of their presence on the scene after the physical assault ended.

§ 87(2)(b) asked the officers for their badges more than five times while they were inside the building and PO Alvarez responded, after § 87(2)(b) had asked him and his partners repeatedly, that they were not supposed to provide or could not provide their badges because of the situation and the number of people on the scene. § 87(2)(b) did not hear any of the officers cursing § 87(2)(b). § 87(2)(b) observed people looking into the building from outside. § 87(2)(b) and § 87(2)(b) were then taken outside, to the front of the building, where a marked police van and another marked vehicle were parked. § 87(2)(b) also asked the officers for their badges for about three more times while they were outside the apartment building. PO Ruiz, PO Alvarez, and PO Chambers never responded to § 87(2)(b)'s request for their information. § 87(2)(b) and § 87(2)(b) were placed into the marked police van that was occupied by a white male officer and a female officer who transported them to the 23<sup>rd</sup> Precinct where § 87(2)(b) observed that § 87(2)(b) had two cuts on the right side of his neck. § 87(2)(b) believed that § 87(2)(b) sustained those injuries due to his physical altercation with PO Alvarez and PO Ruiz.

§ 87(2)(b) (Encl. 12.1-12.6) – § 87(2)(b) is a § 87(2)(b)-old black male with brown eyes, brown hair, and who is about 5'10" tall and 180lbs. § 87(2)(b) provided additional information over the phone to the CCRB on February 6, 2009. § 87(2)(g)

On February 19, 2009, § 87(2)(b) was interviewed at the CCRB. At about 6:45PM on September, 9, 2008, § 87(2)(b) drove a friend of his, § 87(2)(b) in his red Toyota Camry to § 87(2)(b)'s (another friend of § 87(2)(b) whose last name he did not know) apartment building, located at § 87(2)(b) in Manhattan. § 87(2)(b) and § 87(2)(b) came to this address, so that they could collect the money that § 87(2)(b) (identified through investigation as § 87(2)(b) had promised to give them. § 87(2)(b) and § 87(2)(b) called § 87(2)(b) when they arrived at the location, and he came downstairs to greet them. § 87(2)(b) and § 87(2)(b) also saw the following individuals in the building when they arrived: § 87(2)(b) and a young female (identified through investigation as § 87(2)(b)). § 87(2)(b) did not smoke marijuana that night and did not know if any of his friends smoked marijuana that night.

§ 87(2)(b) left § 87(2)(b) and § 87(2)(b) with § 87(2)(b) and § 87(2)(b) in the lobby and went upstairs to his apartment to get the money he had promised to give to § 87(2)(b) and § 87(2)(b). After § 87(2)(b) went upstairs to get the money, § 87(2)(b) and § 87(2)(b) went upstairs as three plainclothes police officers in their mid-thirties were walking into the building. § 87(2)(b) and § 87(2)(b) remained in the lobby. § 87(2)(b) initially said in his phone statement that § 87(2)(b) and § 87(2)(b) were going upstairs when the officers entered into the building. The officers ran after § 87(2)(b) and § 87(2)(b) as soon as they entered into the building.

A minute or two later, the officers brought § 87(2)(b) and § 87(2)(b) back down stairs in handcuffs; although, § 87(2)(b) said in his phone statement that the officers returned to the lobby along with § 87(2)(b) and § 87(2)(b). PO Alvarez told PO Ruiz and PO Chambers to arrest § 87(2)(b) and § 87(2)(b). The officers asked the defendants to turn around and place their hands up against the wall. PO Alvarez and PO Ruiz told the defendants to turn around and place their hands up against the wall. § 87(2)(b) asked PO Alvarez why he was being arrested and PO Alvarez replied by asking § 87(2)(b) if he was trying to be a "wise guy" or something along those lines. At some point, § 87(2)(b) told PO Alvarez, PO Ruiz, and PO Chambers that he was just visiting his cousin at the location. PO Alvarez told § 87(2)(b) to turn around as he grabbed § 87(2)(b) at the back of his head and pushed him against the wall. § 87(2)(b) put both of his hands up on the wall.

PO Alvarez grabbed § 87(2)(b) and punched him in the face around the right cheek area. § 87(2)(b) was not sure if § 87(2)(b) tried to turn around after PO Alvarez punched him in the face. He recalled that PO Alvarez held on to § 87(2)(b)'s right hand and tripped or forced him onto the floor. When § 87(2)(b) fell on to the floor, PO Alvarez or PO Ruiz placed their knee on § 87(2)(b)'s back while the other tried to place § 87(2)(b)'s arms in handcuffs. § 87(2)(b) covered his face and asked PO Alvarez and PO § 87(2)(b) what they were doing. § 87(2)(b) and § 87(2)(b) asked PO Alvarez and PO Ruiz what they were doing as they were punching § 87(2)(b). § 87(2)(b) was punched about five times by PO Alvarez and PO Ruiz. § 87(2)(b) was "kneed" in the back about four times by either PO Alvarez or PO Ruiz. After PO Alvarez and PO Ruiz succeeded in



placing § 87(2)(b)'s arms in handcuffs, PO Alvarez punched § 87(2)(b) somewhere on his left side while PO Ruiz punched § 87(2)(b) somewhere on his head while § 87(2)(b) was lying on the floor. PO Chambers, on the other hand, stood on the side and told PO Alvarez and PO § 87(2)(b) "that was it" as they were punching § 87(2)(b).

PO Marcelino, PO Ruiz, and PO Chambers placed § 87(2)(b) and § 87(2)(b) under arrest. § 87(2)(b) was not searched. It was at this point that § 87(2)(b) and § 87(2)(b) came downstairs. § 87(2)(b) asked PO Alvarez, about three or four times, for his badge number, but PO Alvarez refused (unclear how) to provide his badge number to § 87(2)(b) and told her to go upstairs. § 87(2)(b) also asked PO Ruiz and PO Chambers for their badge numbers, but § 87(2)(b) could not recall if any of the officers responded to her request. PO Alvarez speaking rudely to § 87(2)(b) but § 87(2)(b) did not remember what exactly PO Alvarez said to § 87(2)(b) and did not know if PO Alvarez used any curse words. The officers took the defendants outside to the front of the apartment building after one of them called for back up. § 87(2)(b) noticed a patrol vehicle belonging to PO Alvarez, PO Ruiz, and PO Chambers and about twenty people gathered in front of her apartment building after the defendants were taken out of the lobby. After about two or three minutes, a police van occupied by a female police officer and a male police officer arrived at the scene. The female police officer who was on the passenger side of the police van searched § 87(2)(b) and § 87(2)(b) were transported to the precinct. At the precinct, § 87(2)(b) and § 87(2)(b) were charged with § 87(2)(b) while § 87(2)(b) was charged with § 87(2)(b). § 87(2)(b) and § 87(2)(b) were charged with § 87(2)(b). § 87(2)(b) believed that the bag of marijuana that was recovered from § 87(2)(b) or § 87(2)(b) was found when they were searched prior to being placed into the police van.

§ 87(2)(b)

On March 23, 2009, § 87(2)(b)'s neighbor, was called on her home number, but no message was left since the number rang out. On the same date, § 87(2)(b) was called on her cell phone number and a message was left. On March 23, 2009, a "First Please Call" letter was mailed to § 87(2)(b)'s house, which was not returned to the CCRB as undeliverable. On March 24, 2009, § 87(2)(b) called the CCRB and provided the following statement over the phone. On September 9, 2008, § 87(2)(b) heard a commotion going on outside her building from her window. § 87(2)(b) saw § 87(2)(b) and three other boys in handcuffs being rounded up. § 87(2)(b) took pictures and she said she would provide them to the CCRB. § 87(2)(b) saw § 87(2)(b) and three other boys in handcuffs. § 87(2)(b) observed police officers bullying, pushing and shoving people. § 87(2)(b) went downstairs where a crowd of about twenty to twenty-five people were gathered to see what was going on. At that time § 87(2)(b) was out on the street. § 87(2)(b) did not witness any allegations inside the lobby and did not take any pictures of the interaction between the defendants and the officers in the lobby.

#### ***Attempts to Contact Locate and Identify Additional Witnesses/Victims***

On January 30, February 12, and March 11, 2009, § 87(2)(b) was called on the number generated from Lexis-Nexis and a message was left each time. On March 11, 2009, "First Please Call" letters were mailed to the three addresses generated through Lexis-Nexis, one of which was returned to the CCRB as undeliverable. No further attempts were made by the CCRB to contact § 87(2)(b) at the telephone number generated through Lexis-Nexis because the Lexis-Nexis search result listed the number under § 87(2)(b)'s former address. On March 17, 2009, "Final Please Call" letters were mailed to the three addresses generated through Lexis-Nexis, two of which was returned to the CCRB as undeliverable.

On January 30, 2009, § 87(2)(b) was called on his cell phone number and a message was left for him with his mother, § 87(2)(b) who responded to the call. On the same date, § 87(2)(b)'s attorney from § 87(2)(b) called the CCRB to find out why the CCRB was contacting § 87(2)(b). § 87(2)(b) informed the investigator that the number that the CCRB has on file for § 87(2)(b) belongs to his client and asked that the CCRB should not call that number again. On March 23, 2009, a "First Please Call" letter was mailed to § 87(2)(b)'s house, and it was not returned to the CCRB as undeliverable. On April 1, 2009, a "Final Please Call" letter was mailed to § 87(2)(b)'s house, which was not returned to the CCRB as undeliverable.

On March 23, 2009, § 87(2)(b) § 87(2)(b)'s neighbor and the mother to § 87(2)(b) was called on her cell phone number and a message was left. On the same date, a "First Please Call" letter

was mailed to her house, and it was not returned to the CCRB as undeliverable. On April 1, 7, and 14, 2009, § 87(2)(b) was called on her cell phone number and a message was left each time. On April 14, 2009, a "Final Please Call" letter was mailed to her house, which was not returned to the CCRB as undeliverable. On April 20, 2009, § 87(2)(b) was called on her cell phone number and a message was left.

On September 15, 2008, § 87(2)(b) called the CCRB and stated that § 87(2)(b) was with him, § 87(2)(b) and § 87(2)(b) before the arrival of the police at the location. After § 87(2)(b) was interviewed on October 9, 2008, he was called on his cell phone number on October 10 and 16, and each time a message was left. On November 3, 2008, § 87(2)(b) was called on his cell phone number, but no message was left as his number was "unable to receive calls at the time." On November 3 and 13, 2009, § 87(2)(b) was called on her cell phone number and she informed the CCRB that § 87(2)(b) was supposed to provide the contact information of the defendants and witnesses that were involved in the incident. On November 14, 2008, § 87(2)(b) was called on his cell phone number, but no message was left as the number was not receiving calls at that moment. On the same date, a "Final Please Call" letter was mailed to § 87(2)(b) which was not returned to the CCRB. On November 14, 2008, and on January 30, 2009, § 87(2)(b) was called on her cell phone number, and she informed the CCRB that she did not know who § 87(2)(b) was, but she believed that § 87(2)(b) was the female who told § 87(2)(b) that she did not want to be apart of the CCRB investigation.

### **Officer Identification**

PO Alvarez was identified as one of the subject officers on the scene by § 87(2)(b). The criminal court complaint that was ordered for the time, date, and location of the incident and PO Alvarez's memo book confirmed that interacted with § 87(2)(b). PO Alvarez's memo book also indicated that he was working with PO Chambers on the incident date. PO Chambers informed the CCRB that he was working with PO Alvarez and PO Ruiz.

### **Officer Statements**

#### ***PO Keno Chambers***

#### ***Criminal Court Complaint*** (Encl. 15.1-15.2)

The criminal court complaint filed by PO Chambers against § 87(2)(b) indicated that at 6:45PM on September 9, 2008, § 87(2)(b) committed the following offenses: § 87(2)(b) entered and remained unlawfully in a dwelling that he did not reside in and which he was not invited into. He also prevented a police officer from effecting an authorized arrest of himself and another person.

#### ***PO Keno Chambers' Statement***

*PO Keno Chambers (shield #9494) was interviewed at the CCRB on April 28, 2009 (Encl. 15.1-15.7). PO Chambers is a black male with brown eyes, and who is partially bald, is about 6' feet, and 255lbs.*

On September 9, 2008, PO Chambers worked from 2:00PM to 10:35PM, and was assigned to SNEU at the 23<sup>rd</sup> Precinct with PO Ramiro Ruiz and PO Marcelino Alvarez. On the incident date, he was dressed in uniform and assigned to an unmarked motor vehicle (RMP # 839). His **memo book** did not include any relevant entries for the date of the incident.

At about 6:30PM on September 9, 2009, PO Chambers, PO Alvarez and PO Ruiz received a call indicating that a group of people were smoking marijuana in an FTAP building, located at § 87(2)(b) in Manhattan. When the officers arrived at the location, PO Chambers, who had a vague recollection of the incident, observed about ten males and females in the lobby. Four out of the ten people (identified through investigation as § 87(2)(b) and § 87(2)(b) appeared to be "high" because their speech was slurred. PO Chambers and his partners frisked some of the individuals at the location for their safety. He did not recall how many individuals or which individuals he frisked. PO Chambers did not search nor did he recall seeing PO Alvarez and PO Ruiz searching the bag of any of the females on the scene. PO Chambers did not have the most interaction with § 87(2)(b) because he was performing "crowd control," but PO Alvarez and PO Ruiz did. PO Chambers, upon being shown § 87(2)(b)'s arrest photo, said that § 87(2)(b) was the individual who was resisting arrest on this date because he was flailing his arms. PO Chambers, after he was shown the arrest report that he drafted for § 87(2)(b) mentioned that "force" was used on § 87(2)(b).

§ 87(2)(b) although, he could not recall what type of force was used on § 87(2)(b) PO Chambers defined the “force” that was used on § 87(2)(b) as PO Alvarez and PO Ruiz placing § 87(2)(b) in handcuffs. PO Chambers did not see any officers threaten to use force nor did he use force on any of the individuals at the location. PO Chambers did not recall hearing a female ask him and/or his partners for their badge or shield numbers. PO Chambers also did not refuse nor did he hear any of his partners refusing to provide his or her shield or badge numbers to any of the individuals on the scene. PO Chambers did not recall hearing any of his partners using obscene language towards any of the civilians on the scene nor did he recall hearing any of the civilians use discourteous language towards him or any of his partners. PO Chambers did not indicate if he saw § 87(2)(b) on the incident date.

#### ***PO Ramiro Ruiz’s Statement***

*PO Ramiro Ruiz (shield #7987) was interviewed at the CCRB on May 14, 2009 (Encl. 16.1-16.8). PO Ruiz is a Hispanic male with brown eyes, straight short black hair, and who is about 6’ tall and about 240lbs.*

On September 9, 2008, PO Ruiz worked 2:00PM to 10:35PM, and was assigned to the SNEU with PO Keno Chambers and PO Marcelino Alvarez. PO Ramiro Ruiz was dressed in plainclothes and assigned to an unmarked motor vehicle, a gray Impala with RMP # 839. His **memo book** noted that at 6:50PM, five people were arrested at § 87(2)(b), a drug-prone building where numerous calls from the tenants of the building and the District Attorney for the Manhattan Trespass Affidavit Program, § 87(2)(b) have been made to the 23<sup>rd</sup> Precinct asking them to address the drug situation at the location. His **memo book** also noted that § 87(2)(b) (DOB § 87(2)(b)) resisted arrest and force was used to handcuff him; no physical injuries was sustained; and perpetrator refused medical treatment.

At about 6:30PM on September 9, 2009, PO Ruiz, PO Alvarez, and PO Chambers went to conduct a vertical at § 87(2)(b) in Manhattan. PO Ruiz and his partners did not receive a call from tenants who were living in the building requesting their attention at the location. PO Ruiz and his partners just decided to do a routine check of the building. As they were about to enter the building, PO Ruiz noticed five males standing in the lobby. PO Ruiz also observed that § 87(2)(b) and § 87(2)(b) (who he had arrested in the past for § 87(2)(b), and who were both known for selling marijuana in the building) had marijuana in plain view. PO Ruiz did not know what § 87(2)(b) and § 87(2)(b) were doing with the drugs. § 87(2)(b) and § 87(2)(b) ran up the stairs when PO Ruiz and his partners opened the front door to the building. PO Alvarez chased after § 87(2)(b) and § 87(2)(b) while PO Ruiz and PO Chambers remained in the lobby and “detained” § 87(2)(b) and § 87(2)(b) who remained in the lobby. A few minutes later, PO Alvarez brought § 87(2)(b) and § 87(2)(b) without placing them in handcuffs down to the lobby. At some point, PO Ruiz discovered that § 87(2)(b) was the only one who lived in the building, and learned that the males did not even know each others’ names even though they claimed to know each other. At some point, all the males were searched, but PO Ruiz did not recall which males he and his partners searched. The officers lined the males up against the wall and handcuffed them. PO Ruiz did not recall which individuals he handcuffed.

PO Ruiz assisted PO Alvarez in placing § 87(2)(b) in handcuffs after the other defendants had been placed in handcuffs. When PO Ruiz tried to grab one of § 87(2)(b)’s hands and place it in handcuffs, § 87(2)(b) pulled his hand away and would not allow PO Ruiz and PO Alvarez to place him in handcuffs. PO Ruiz and PO Alvarez told § 87(2)(b) to stop resisting as they tried to place him in handcuffs, but he did not comply. PO Ruiz did not recall pushing or seeing any of the other officers push § 87(2)(b) against the wall at any point during the course of the interaction. PO Ruiz did not remember if he punched or saw any of his partners punching § 87(2)(b) while they were trying to place him in handcuffs. § 87(2)(b) fell to the floor in the middle of the lobby while PO Ruiz and PO Alvarez were trying to place § 87(2)(b) in handcuffs. PO Ruiz did not recall how § 87(2)(b) fell to the floor. PO Ruiz did not know if § 87(2)(b)’s body hit a radiator when he fell; although, PO Ruiz later said that there was no radiator in the middle of the lobby area. PO Ruiz also fell to the floor when he and PO Alvarez tried to place § 87(2)(b) in handcuffs, and he did not know if PO Alvarez fell to the floor. PO Ruiz did not recall if he fell on top of § 87(2)(b). PO Ruiz and PO Alvarez placed § 87(2)(b) in handcuffs while he was on the floor. PO Ruiz did not kick nor did he observe any of the other officers kicking § 87(2)(b) in the rib area. PO Ruiz did not observe any visible injuries on § 87(2)(b) when he arrived on the scene and while he was on the scene. PO Ruiz did not observe any bruise around § 87(2)(b)’s cheek area and did not know how § 87(2)(b) could have sustained the pain to his left cheek and right upper leg area. PO Ruiz did not also hear § 87(2)(b) complain of pain to his left cheek and

right upper leg while he was on the scene. § 87(2)(b) was offered medical treatment at the precinct, but he rejected the offer. PO Ruiz did not threaten nor did he hear PO Alvarez and PO Chambers threaten to punch or arrest any of the males who were on the scene.

After the officers were done placing the defendants in handcuffs, one of the officers made a call requesting that a prisoner van be brought to the location of the incident. PO Ruiz mentioned that the five males were also searched after they were placed under arrest; although, he did not know which individuals were searched by him or his partners. While the officers were waiting for the van to arrive to the incident location, § 87(2)(b)'s mother (identified through investigation as § 87(2)(b)) came down the stairs and yelled at PO Ruiz, PO Alvarez, and PO Chambers asking them what they were doing and why they were harassing § 87(2)(b). PO Ruiz did not recall if § 87(2)(b) or anybody else asked him, PO Alvarez, and PO Chambers for their names and/or shield numbers. PO Ruiz – who heard § 87(2)(b)'s mother cursing at him, PO Alvarez, and PO Ruiz while they were at the scene; although he could not remember what her exact curse words were – did not state or hear any of his partners telling § 87(2)(b) to get the “fuck” back upstairs. PO Ruiz did not see or hear another female asking him or his partners for their shield and badge number. Five to ten minutes later, a prisoner van arrived on the scene, occupied by approximately two or three officers. § 87(2)(b) and § 87(2)(b) were then transported in the prisoner van to the precinct. PO Ruiz also returned to the precinct in his unmarked vehicle and did not go back on tour. At the precinct, the defendants were charged with § 87(2)(b); although, PO Ruiz did not recall which defendant was charged with what offense; the size of the marijuana that was recovered; and which one of the individuals the marijuana was recovered from. PO Ruiz, who stated that arresting officer processed the males at the precinct, did not recall if he had any further interactions with the males at the station house.

#### ***PO Marcelino Alvarez***

##### ***Criminal Court Complaint*** (Encl. 17.1)

The criminal court complaint filed by PO Alvarez against § 87(2)(b) and § 87(2)(b) by PO Marcelino Alvarez indicated that at 6:45PM on September 9, 2008, inside § 87(2)(b) in Manhattan, § 87(2)(b) and § 87(2)(b) committed the following offenses: § 87(2)(b). PO Alvarez observed § 87(2)(b) holding two bags of marijuana in the lobby of the building at the above described location. He also noticed § 87(2)(b) opening a cigar in the lobby of the building at the above described location. When PO Alvarez approached § 87(2)(b) and § 87(2)(b) they ran together up the stairs into the building.

##### ***PO Marcelino Alvarez's Statement***

PO Marcelino Alvarez (shield # 26122) was interviewed at the CCRB on June 4, 2009 (Encl. 17.1-17.7). He is a Hispanic male with brown eyes, short brown wavy hair, and who is about 6'0 tall and about 195lbs.

On September 9, 2008, PO Alvarez worked from 2:00PM to 10:35PM, and was assigned to the 23<sup>rd</sup> Precinct's SNEU with PO Keno Chambers and PO Ramiro Ruiz. PO Alvarez was dressed in plain clothes and assigned to an unmarked Gray Impala. His **memo book** indicated that at 6:50PM, five people were arrested at § 87(2)(b) for § 87(2)(b). The **memo book** also indicated that the resisting perpetrator did resist arrest because he refused to place his hands on the wall and be handcuffed.

At about 6:30PM on September 9, 2009, PO Alvarez, PO Chambers and PO Ruiz, went to conduct a vertical of a FTAP building, located at § 87(2)(b) in Manhattan, because the community organizers and the owners of the building had asked officers from the 23<sup>rd</sup> Precinct to monitor the building since the tenants were intimidated by the drug activities that were occurring in the building; large groups of males hanging out in the building; and the smell of marijuana in the air. The owners of the building gave PO Alvarez, PO Chambers and PO Ruiz the key to the building and asked them to monitor it. PO Alvarez saw five people in the lobby of the building through the glass windows of the front door to the building as he was opening the door. PO Alvarez observed § 87(2)(b) (a male that he arrested two weeks after this incident for buying weed from § 87(2)(b) at the same location) handing § 87(2)(b) (a young male known for selling marijuana in the area and whom PO Alvarez had arrested several times in the past) something. PO Alvarez believed the other people in the lobby area were buying “weed” from § 87(2)(b) although he did not see any money exchange hands. When § 87(2)(b) saw PO Alvarez trying to open the front door to the building, he said “Oh shit,” and ran up the stairs followed by one of the

other males in the lobby whose name PO Alvarez did not know (identified through investigation as § 87(2)(b) § 87(2)(b) PO Alvarez ran after § 87(2)(b) and § 87(2)(b) and did not issue any commands asking them to stop. PO Alvarez noticed that one of the men he was pursuing dropped something when he ran after them.

PO Alvarez caught up with § 87(2)(b) and § 87(2)(b) on the third floor of the building as § 87(2)(b) (who did not live in the building) was trying to pull out a key from one of his pant pockets. PO Alvarez grabbed § 87(2)(b) and § 87(2)(b) and told them to place their hands on the wall, and they complied. PO Alvarez then placed § 87(2)(b) and § 87(2)(b) in handcuffs by himself even though one of his partners had joined him at that point. PO Alvarez did not know if § 87(2)(b) and § 87(2)(b) made contact with the wall while he was placing them in handcuffs. He did not intentionally slam any of their faces into the wall. PO Alvarez recovered marijuana from § 87(2)(b)'s person. § 87(2)(b) also told him that he had marijuana on his person, as he usually did whenever he arrested him. After which, PO Alvarez took § 87(2)(b) and § 87(2)(b) to the lobby where he perceived the strong scent of marijuana in the air, which he did not perceive when he ran into the building earlier. PO Alvarez believed that one of the defendants threw the marijuana somewhere in the lobby because the marijuana smoke was still in the air. PO Alvarez did not recall what was going on with the remaining people in the lobby when he got there; all he remembered was that none of the civilians who remained in the lobby had been placed in handcuffs. There was one female in the lobby when he and his partner arrived on the scene, but he did not know if this female was one of the people who were arrested. PO Alvarez mentioned that he did not search the female on the scene and did not see any other female threatening to do this.

PO Alvarez asked § 87(2)(b) where he lived and what he was doing in the building because he had seen him making the exchange with § 87(2)(b) and § 87(2)(b) replied that he knew people in the building. PO Alvarez then asked § 87(2)(b) who he knew in the building, but § 87(2)(b) could not provide any names for any of the males on the scene that he supposedly knew. PO Alvarez asked § 87(2)(b) to put his hands against the wall, but § 87(2)(b) did not comply and gave him a look, which PO Alvarez believed was § 87(2)(b)'s way of saying "what for?" PO Alvarez tried to turn § 87(2)(b) towards the wall, but § 87(2)(b) resisted by moving his shoulders and flailing his arms. § 87(2)(b) also pushed off the wall and backed up and that was when § 87(2)(b) PO Alvarez, and PO Ruiz (who assisted PO Alvarez) fell to the floor as they tried to gain compliance of § 87(2)(b). He initially said that he and PO Ruiz threw § 87(2)(b) on the floor and placed § 87(2)(b) in handcuffs when he resisted arrest. PO Alvarez did not see any visible injuries on § 87(2)(b) after he and PO Ruiz picked § 87(2)(b) from the floor, and added that § 87(2)(b) never complained to him about hitting his head on the floor and even rejected medical attention when it was offered to him at the 23<sup>rd</sup> Precinct. PO Alvarez, PO Chambers, and PO Ruiz pulled out their shields once they had all the defendants in handcuffs. PO Alvarez did not threaten to assault § 87(2)(b) and did not hear any of the other officers threatening to assault § 87(2)(b).

PO Alvarez, PO Chambers, or PO Ruiz called for back up when a lot of people started coming down to the lobby. PO Alvarez heard a female (identified through investigation as § 87(2)(b) and who PO Alvarez did not recognize when he was shown a copy of her state identification card) who told him that she was related to one of the defendants cursing at him and his partners in Spanish and English, but he did not say anything to her when she cursed at him and his partners. PO Alvarez heard § 87(2)(b) say that she was tired of this "shit." PO Alvarez told § 87(2)(b) when she tried to block the entrance door as he and his partners were leaving the lobby that he would advise her not to do that. PO Alvarez did not tell § 87(2)(b) to get the "fuck back upstairs and the fuck out of here" nor did he recall hearing any of his partners saying this. PO Alvarez did not recall hearing any female asking for his and his partners' shield and badge numbers. PO Alvarez and his partners placed the five defendants inside the van, which was occupied by members of the SNEU team; after which the officers in the van transported the defendants to the 23<sup>rd</sup> Precinct.

#### **Medical Records (Encl. 18.1-18.22)**

§ 87(2)(b) was taken to the § 87(2)(b) at about § 87(2)(b). The report indicated that § 87(2)(b) informed EMS that he got into an altercation with the police twenty-four hours before during which he sustained minor bruises to his lip and cheek and was experiencing pain in right outer thigh and right knee. A physical examination was conducted, which showed that § 87(2)(b) had a contusion to his right thigh or the right femur. As a result, a radiology exam was also conducted and it revealed that § 87(2)(b) did not have any fracture or dislocation.

## **Police Documents**

### ***Command Log*** (Encl. 19.3-19.5)

The command log entry generated at the 23<sup>rd</sup> Precinct for September 9, 2009, indicated that PO Alvarez arrested § 87(2)(b) and § 87(2)(b) while PO Chambers arrested § 87(2)(b) and § 87(2)(b) at the incident location. The command log also revealed that Sgt. Skretch was the officer who verified the arrests made by PO Alvarez and PO Chambers.

### ***UF-61*** (Encl. 19.6-19.22)

The UF-61 for this case showed that § 87(2)(b) and § 87(2)(b) were arrested inside the lobby/doorway of § 87(2)(b) in Manhattan for the § 87(2)(b).

### ***Arrest Report***

The arrest report generated for § 87(2)(b) indicated that he was arrested by PO Alvarez for § 87(2)(b) at the incident location, which is also where he resides.

§ 87(2)(b)'s arrest report revealed that he was arrested by PO Alvarez for § 87(2)(b) at the incident location.

The arrest report generated for § 87(2)(b) revealed that he was arrested by PO Chambers for § 87(2)(b).

The arrest reports generated for § 87(2)(b) and § 87(2)(b) revealed that they were arrested by PO Chambers for § 87(2)(b).

### ***Arrest Photo*** (Encl.)

The arrest photo for § 87(2)(b) which only provides a head shot of the defendant, indicated that he had a small bruise on his left cheek.

### ***Property Voucher*** (Encl. 19.23)

The property voucher created for § 87(2)(b) by Sgt. Skretch, who was the desk officer at the station house on the date of the incident, indicated that the following items were recovered from § 87(2)(b)'s left rear pocket by PO Alvarez: two zips with marijuana and one zip with marijuana residue.

### ***Medical Treatment of Prisoner*** (Encl. 19.24)

The Medical Treatment of Prisoner report created for § 87(2)(b) by Sgt. Skretch indicated that § 87(2)(b) complained that his left cheek and right upper leg were hurting. The report also noted that § 87(2)(b) refused medical treatment at 8:40PM.

### ***Photos*** (Encl. 10.8-10.14)

§ 87(2)(b) brought copies of the seven photos he took of his injuries to his interview at the CCRB. The photos, which were not clear, indicated that § 87(2)(b) sustained the following injuries: a cut to the inside of his bottom lip; a black left eye; and bruises to the side of his right thigh, his left cheek, and to the inside of his lower arm.

### ***Communications Record***

The 911 CD ordered for the time and date of the incident did not contain anything regarding this case.

### ***SPIA*** (Encl. 19.1)

The SPRINT index ordered for the appropriate time and date of the incident did not yield any relevant jobs.

### ***Stop and Frisk Log*** (Encl. 19.2)

The stop and frisk log ordered for the appropriate time and date of the incident did not yield any relevant entries.

### Civilian CCRB and Conviction History

§ 87(2)(b) has two previous CCRB complaints; § 87(2)(b) § 87(2)(b) and § 87(2)(b) do not have any previous complaints with the CCRB.

§ 87(2)(b) [§§ 86(1)(3)&(4)] [§ 87(2)(c)]  
§ 87(2)(b)  
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§ 87(2)(b)  
§ 87(2)(b)

### Officer History

PO Alvarez, PO Ruiz, and PO Chambers have not had any previous substantiated CCRB allegations against them during each of their four-year tenure.

### Conclusions and Recommendations

#### Pleading of Allegations

An allegation of “force” is pleaded against PO Alvarez because § 87(2)(b) said that he punched him on the stomach, punched him on the left side of his face, and threw him on to the floor. A “threat of force” allegation is pleaded against PO Alvarez because § 87(2)(b) said that PO Alvarez asked him if he “wanted some” when he told him to stop hitting § 87(2)(b). A “discourtesy” allegation is pleaded against PO Alvarez because § 87(2)(b) said that PO Alvarez told him he did not know what the “fuck” he was talking about; because § 87(2)(b) said that PO Alvarez said he did not give a “fuck” when he told him that he knew a sergeant on the force; and because § 87(2)(b) said that PO Alvarez told her to “Shut up and get the fuck up the stairs” or to get the “fuck” back upstairs when she came down to the lobby and asked him and his partners for their names and badge numbers. A “refusal to provide name and shield” allegation is pleaded against PO Alvarez because § 87(2)(b) said that PO Alvarez refused to provide her with his name and badge number.

An allegation of “force” is pleaded against PO Ruiz because § 87(2)(b) alleged that PO Ruiz hit him at the back of the head and threw him on to the floor. A “refusal to provide name and shield” allegation is also pleaded against PO Ruiz because § 87(2)(b) said that the officers refused to provide their name and badge numbers to her.

A “refusal to provide name and shield” allegation is pleaded against PO Chambers because § 87(2)(b) said he refused to provide her with his name and badge number when she asked him and his partners for their information.

A “search of property” allegation is pleaded against “an officer” since § 87(2)(b) stated that PO Alvarez, PO Ruiz, or PO Chambers searched § 87(2)(b)’s bag.

#### Allegations Not Pledaded

§ 87(2)(b) stated that PO Alvarez pushed him against the front door to apartment § 87(2)(b) before placing him in handcuffs. He did not describe the action(s) that as excessive force, and rather as part of the handcuffing process. § 87(2)(g)

§ 87(2)(g)  
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§ 87(2)(g)

### Undisputed Facts

It is undisputed that PO Chambers, PO Alvarez, and PO Ruiz came to the incident location and interacted with the males on the scene. It is not in dispute that PO Chambers conduct a frisk of some of the individuals at the scene.

### Disputed Facts

§ 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

### Assessment of Evidence

§ 87(2)(b) and § 87(2)(b) alleged that an officer searched § 87(2)(b)'s bag, though this was not corroborated by any other civilians. § 87(2)(b) did not provide a statement to the CCRB because the CCRB was unable to contact her. § 87(2)(g)

§ 87(2)(b) and § 87(2)(b) alleged that PO Alvarez used obscene language towards them. § 87(2)(b) said that PO Alvarez told him that he did not know what the “fuck” he was talking about when he told him that he was at the location to visit § 87(2)(b). § 87(2)(b) said he heard PO Alvarez ask § 87(2)(b) if he wanted to be a “smart-ass”, while § 87(2)(b) said he heard PO Alvarez refer to § 87(2)(b) as a “wise guy.” The other civilians that were interviewed by the CCRB did not confirm this allegation. § 87(2)(b) said that PO Alvarez told him that he did not give a “fuck” if he knew a sergeant in the police force. § 87(2)(b) and § 87(2)(b) did not corroborate this allegation. § 87(2)(b) alleged that PO Alvarez told her to get the “fuck” back upstairs when she came to the lobby of her apartment building, which was confirmed by § 87(2)(b) who also happens to be her son. All of the other victims in this case recalled the specific verbal interaction between § 87(2)(b) and PO Alvarez, but they did not corroborate the cursing. PO Chambers denied using and hearing any of his partners use any discourteous language towards any of the civilians on the scene. PO Ruiz and PO Marcelino did not indicate and neither were they asked if they used any obscene language on any of the males on the scene. PO Ruiz and PO Alvarez denied cursing § 87(2)(b) and said that they did not recall hearing any of their partners make any obscene comments to § 87(2)(b). § 87(2)(g)

§ 87(2)(b) said that PO Alvarez punched him on his left cheek and on his stomach, and that PO Ruiz hit him in the back of the head. § 87(2)(b) stated that PO Alvarez punched § 87(2)(b) somewhere on his right cheek, but he did not allege that PO Alvarez punched § 87(2)(b) on the stomach. § 87(2)(b) said that PO Ruiz punched § 87(2)(b) somewhere on his head. § 87(2)(b) and § 87(2)(b) did not indicate whether § 87(2)(b) was punched in the face or stomach by any of the officers, and did not corroborate the allegation that § 87(2)(b) was struck by PO Ruiz in the back of the head. PO Ruiz did not recall punching or seeing any of his partners punch § 87(2)(b). PO Chambers did



not recall using or seeing any of his partners use force on any of the defendants on the scene. PO Alvarez did not recall the nature of his interaction with § 87(2)(b) he only recalled that he was assisted by PO Ruiz in gaining compliance of § 87(2)(b) § 87(2)(g)

§ 87(2)(b) alleged that PO Alvarez and PO Ruiz pushed him from one wall to another before he hit his right leg against a radiator and fell flat on his face and sustained a cut to the internal part of his bottom lip. § 87(2)(b) said that PO Alvarez either forced or tripped § 87(2)(b) on to the floor, while § 87(2)(b) said PO Alvarez threw him on the floor. § 87(2)(b) also alleged that PO Ruiz grabbed § 87(2)(b) somewhere around his upper body while PO Alvarez grabbed § 87(2)(b)'s lower body; after which they pushed § 87(2)(b) to the floor. PO Chambers did not recall using force or seeing any of his partners using force on any of the individuals on the scene. PO Ruiz and PO Alvarez did not recall how § 87(2)(b) fell on to the floor. § 87(2)(g)

§ 87(2)(b) stated that PO Alvarez asked him if he “wanted some” when he told him and PO Ruiz to stop hitting § 87(2)(b) but none of the other victims and witnesses in this case made or confirmed this allegation. PO Chambers, PO Alvarez, and PO Ruiz did not threaten to use force on any civilian on the scene nor did they recall hearing any of their partners threatening to do this. § 87(2)(g)

§ 87(2)(b) said that she asked PO Alvarez, PO Ruiz, and PO Chambers for their names and badge numbers, but they did not provide it to her. § 87(2)(b) and § 87(2)(b) all confirmed that they heard § 87(2)(b) asking the subject officers in this case for their names and badge numbers, but the officers did not respond to her request. § 87(2)(b) on the other hand, heard PO Ruiz telling § 87(2)(b) after she asked him and his partners for their name and badge numbers about five times, that they were not supposed to provide that information because of the situation and because there were too many people around. PO Chambers did not recall hearing any female asking him for his name and badge number. PO Ruiz and PO Alvarez did not recall being asked for their name and badge numbers nor did they hear § 87(2)(b) asking their partners for their name and badge numbers. § 87(2)(g)

**Allegations A: An officer searched § 87(2)(b)'s bag.**

§ 87(2)(g)

**Allegation B: PO Marcelino Alvarez spoke obscenely to § 87(2)(b) and § 87(2)(b)**

§ 87(2)(g)

**Allegation C: PO Marcelino Alvarez used physical force against § 87(2)(b)**

**Allegation D: PO Ramiro Ruiz used physical force against § 87(2)(b)**

§ 87(2)(g)

**Allegation E: PO Marcelino Alvarez used physical force against § 87(2)(b)**

**Allegation F: PO Ramiro Ruiz used physical force against § 87(2)(b)**

§ 87(2)(g)

§ 87(2)(g) [Redacted]  
[Redacted]  
[Redacted]  
[Redacted]  
[Redacted]

**Allegation G: PO Marcelino Alvarez threatened § 87(2)(b) with the use of force.**

§ 87(2)(g) [Redacted]  
[Redacted]

**Allegation H: PO Marcelino Alvarez refused to provide his name and shield number to § 87(2)(b)**

**Allegation I: PO Ramiro Ruiz refused to provide his name and shield number to § 87(2)(b)**

**Allegation J: PO Keno Chambers refused to provide his name and shield number to § 87(2)(b)**

§ 87(2)(g) [Redacted]  
[Redacted]  
[Redacted]  
[Redacted]  
[Redacted]  
[Redacted]  
[Redacted]  
[Redacted]  
[Redacted]  
[Redacted]

§ 87(4-b) § 87(2)(g) [Redacted]  
[Redacted]  
[Redacted]  
[Redacted]

Investigator:

Date:

Supervisor:

Date:

Reviewed by:

Date:

Reviewed by:

Date: